

Previous references

File No 4-15

1916

Serial Nos 21726

(None sent)

Later references

Ind. H. H. 7

P

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 21726

Part B for June 1916

SUBJECT

Report upon the re-election of Mr Mustafa Beg ~~as the Mayor~~ as a councillor on the Kolar town municipal Council though disqualified for not attending three consecutive meetings of the Council

To The Comptroller, Mysore Gazette
No 92623 - 20 6.16

Whence the election of Mr Mustafa Beg as Municipal Councillor of the Kolar town

To The Deputy Commr Kolar St
No 92633 - 20 6.16

Towards copy of the above

M. K. G. 3-8-16

GENERAL AND REVENUE SECRETARIAT

(M)

NOTES

M File No 4-15

FILE HEADING

Mund members, Kolar District

From

The Deputy Commr Kolar Dt

No 2267

Dated 4-5-16

Received 4-5-16

Diary No 3998

Enclos 1

Spare Copies

Serial No 21

BRIEF ABSTRACT OF LETTER

Reports that Mr. Mustafa Beg an elected member of the Kolar Town Mund council was disabled from continuing as a Mund councillor by having absented himself

NOTES AND ORDERS

from 3 consecutive meetings of the council for a period of 4 months and that in the bye election held to fill up the vacancy, Mr Mustafa Beg himself secured the largest

Serial
No

number of votes

From para 1 of the Deputy Commr's letter it does not appear that the member has failed to attend ~~the~~ meeting of the Muni Council for a period of 4 months as the interval between the two extreme dates mentioned by the Deputy Commr amounts to only 3 months and 12 days.

The member does not ^{therefore} appear to have been disabled from continuing on the Muni Council under Section 15(2)(c) of the Muni Regulation.

2. Even supposing that the member was rightly disabled, the point for consideration is whether the same gentlemen can stand for the bye election and get himself returned as a member. Mr Cummings' notes on this point

G. R. S. 12]

General and Revenue
Secretariat

M File No. 41 of 1915

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are to the effect that the disability continues till the end of the term for which the member was elected or appointed and operates only for Casual elections and not for a general election held even after a short time Mr Cumming adds that this is doubtless the right interpretation but that the meaning would have been clearer if in Section 18 of the Regulation, the words "of any other ~~person~~ duly qualified ~~person~~ thereto" had been substituted for the words "of a person thereto".

3 Draft Subd for approval or other orders

81
(64) 4 The member seems to have been disqualified as 13/5/16 4th meeting was not probably held within 4 months

II

Jm 1608

4

39

G R S 12]

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Secretariat

File No 4 of 1915.

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the date of his first absence,
and it seems inexpedient to
make it a controversial matter
The Dy Com may merely be in-
formed that the re-election of the
disqualified member is inadmissible
during the term of the present
Council. An alternative draft
is also submitted for consideration.

~~17/5/16~~

17/5/16

to Mr III for peruse of rules as
to whether the proper method of
calculation of 4 months referred
to in S 13 (2) & whether a mem-
ber of Councilor is a valid
stand for election

~~12/5/16~~

to Mr III for kindly putting up a copy of the
election rules

~~17/5/16~~

17/5/16

Please see your letter no 6859/M
322-08-1 of 25-1-09 (May 19)

~~22/5/16~~

III

25/5/16

J. Am 1608

5

G R S 12]

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ML

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of 1915.

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Subd.

The fact of a vacancy having been caused by the ^{continuation} absence of Mr. Mustafa Berg is not disputed and in fact a bye-election was held and results taken. The only point for decision now is whether Mr. Mustafa Berg who became disabled from continuing to be a councillor under Sec 15(2) (a) can stand for election again in the bye election held to fill his vacancy. ~~Sec 19 of the M.L. Reg. provides that a person who has already~~ Under sec 19 of the M.L. Reg. he is ^{qualify} eligible at any time for re-election or re-appointment provided he is otherwise duly qualified. His re-election under the circumstances reported ^{seems} therefore ^{to be} valid.

24/5/16

To Secy IV

MLL

14/1

Submitted for orders is not definite a

10 The opinion of Branch III does not seem to be in accordance with the opinion noted in Cummings' memo.

Serial
No

(vide pages 34 (note 27) & 37 note (6))

11 It is also doubtful if the word "during the term" or "appointed" occurring in sub-section (2) of Sec 15 of the Mysore Municipal Regulation are not to be understood after the word "Continuing" at the end of the same sub-section

12 It seems necessary to consult the Govt Advocate also before approving of the bye-election

25/5

13 Forwarded with compliments to the Govt Advocate for opinion

Dunlop
27 May 1916

By order
H. S. Subramaniam
In Secy to Govt
Rev Secy

No 18 2082/15
27 5-16

me

File No. 4

of 1915

G O 59

Serial

164

There is difference between disability to continue as a Councillor & disqualification for becoming a member though disqualification to sit may operate as a disability to continue; but every kind of disability to continue need not necessarily be a disqualification to become a member and indeed Sec 15 (1) does not state that the disability referred to in Sec 15 (2) (c) is in the nature of a disqualification contemplated therein. The effect therefore of a member failing without the leave of the Council to attend any meeting for a period of 4 months provided that there were not less than 3 meetings during such period is to disable him from continuing to hold during the unexpired portion of his term the office held by him in virtue of that election or appointment which enabled him to become

Serial
No

a member. It has not however the effect of disqualifying him from offering himself as a Candidate for election though it be a by-election & if duly elected, he will be eligible to hold the office for the rest of the term, by reason of the fresh election. § 18 does not in express terms provide that the person elected to fill up Casual vacancies should be a person other than the one who vacates - In the case of ~~the~~ death, resignation, disqualification & removal the vacancy can only be filled up in the natural course of events by the election of another person & in the case of a disability which is in the nature of a disqualification the same will hold good. But there appears to be no warrant for importing into § 18 that in the case of a disability of the kind now in question

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which does not operate as a
disqualification to become a
member the person selected
for the vacancy caused by such
disability should be a person
other than the disabled person.
In my opinion therefore the
election of Mr. Mustafa Bey, if
otherwise valid cannot be
deemed to be invalid
because he was disabled
to continue as a member
under the provisions of
§ 15(2)(c)

31-5-16

Forwards for
forward.

20/3

P.T. 2

3998

G. R. S. 12]

General and Revenue
Secretariat

M. File No 4 of 1915

Serial
NoL III
E $\frac{156}{8616}$

15 Kenna draft intro

DJ

16/5/15 Int Member
31/5/15 Rev Secy $\frac{10}{6/6-16}$ 16
The G advocates was right but
Govt need not suppress such
election. Therefore right
to let it run for election $\frac{4}{10/6}$

for

10/6/16

 $\frac{10}{13/6-16}$ 17) Govt has not reserved any power
to set aside elections duly held
and Govt approval is not necessary
for the results of electionsThe result has been reported
for publication of the names
of the successful candidate
in the Gazette under Section
20 of the Municipal Regn - videDJ
16/5/15 Int Member
18/5/15 Int Member $\frac{10}{16/6-16}$ $\frac{23}{176}$ L. J. Govt
me

L. J.

NOTE—Contn sheet

Serial
No

19 Then must be reshaped

20 There is a serious flaw in the
law - any member with no
whitening of attending can
be repeatedly elected for the
more known sake of
17-6.

21 Then may be broken up separately
for

18/6/16

22

Home 2-1/2 -

23 Take list of orders in the margin
in the preceding previous page of
also home order of habit with
separately

18/6/16

26

To the Committee, Mysore Gazette
No 9262 of 2-6-16. Notifies the
election of Mr. Anantappa Bera
as Annual councillor of the Kolar
Mun.

Memo No 9263 of 2-6-16 forwards
copy to the Dy Commr of Kolar for
information

Please see
note 472 for I
Mysore Gazette of 2-6-16

23998
 Mtl 4-5-21
 Deputy Commissioner's Office,
 Kolar District,
 Kolar, Dated 3rd May 1916

From

H. Bawring, Esquire, J.P.,
 Deputy Commissioner,
 Kolar District,
Kolar

To

U. R. Thyagaraya Iyer, Esquire; M.A.
 Secretary to the Government of
 His Highness the Maharaja of Mysore,
 Revenue Department,
Bangalore

Sir,

I have the honor to report that Mr.
 Mustafa Beig, an elected member of the
 Kolar Town Municipal Council, constituted
 in accordance with Government Notification
 5800/Mtl 22-13 dated 3rd 12 1913, having
 himself from 3 consecutive meetings
 the Council held on the marginally noted
 for a period of four months and thus
 disabled to continue on the Council

21-12-1915
 29-1-1916
 21-2-1916
 31-3-1916

CPB-50,000-507-15

1915-16

From

The Deputy Commissioner,
Kolar District,

To

Kolar.
The Secretary,
to the Government of Mysore,
Revenue Department,

Dated

Despatched

} 4th May 1916 Bangalore.

Received

General No. 2267
No.

Enclosure No. one Statement

Soliciting the approval of
Government to the appointment
of Mr Mustafa Baij as an
elected member of the
Kolar Town Municipal Council

Rgn

under section 15 (2) (c) of the Municipal Election Rules, a bye-election was held on the 29th April 1916 in conformity with para 28 of the Municipal Election Rules with the following result —

2 Two candidates stood for election of which Mr Mustafa Beg, who forfeited his seat for the reason stated in para 1, was one, the other being Mr Chukramanna, land holder, Kolar Town. Out of 376 voters for the Division, 60 persons took part in the election Mr Mustafa Beg having secured 56 votes against Mr Chukramanna's 4, the former was declared elected

3 I request that the approval of Government may be kindly obtained for the election of Mr Mustafa Beg, Merchant, Kolar Town as an elected Councillor of the Kolar Town Municipal Council and the same note

4

in the Mysore Gazette

4 The usual statement showing
the property qualifications of the proposed
member is enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

Dr Venkataswamy
For Deputy Commissioner,
Wolk Kolar District

Encls No 4-5-2, 1

Names of gentlemen elected ~~or proposed for nomination~~ as Municipal Councillors
of Kolar Town Municipality

Serial No	Name in full with surname, if any	Father's name	Occupation	Residence	Property qualification	Other particulars if any
					possesses houses and lands with Rs. 20,000/- plus land revenue of Rs 200/- + Mohakamfa	
1.	M. Mohamed Mustafa Biq	Mohamed Hassim Biq	merchants & land holder	Kolar.	Rs. 407	

Kolar,
4-5-16:

In Venkatesa Yengar
For Deputy Commissioner,
Kolar District

Mund members

G R S 26]

Handwritten notes:
 15/11/16
 17/11/16
 16/11/16

File No 4-15
Serial No 26

Diary No of letter replied to 3798

General and Revenue Secretariat

()
the 191

No 9262
ml 4-15-26
of 20 6/16
To Notification

Date of issue 20 6 16

Signed by Mr B Sahasrabudam

Under Section 18 of the
Municipal Regulation
Mr Mustafa Beg, who
was disabled from con-
tinuing as a Municipal
Councillor of the Kolar
Town Municipality under Section
15 (2) (e) of the said Regn,
is re-elected as a Municipal
Councillor of the afore-
said Municipality.

Handwritten signature/initials

By order

Page 472
part 1
Mysore Gazette 9/2/16

SUBJECT

For Rev Secy
7/16/11
B.C. P.1

17)

To the computer Mysore
Gazette for publication
and supply of 12
share copies to Branch IV
H.R.L.

Memorandum: - 9263 mlt 4/15-26 27 20 6.16

Copy forwarded
to the Deputy Commissioner
Kolar Dt with reference
to his letter no 2267 of 4.5.16

By order

15/16 16

For Rev Secy 15/16

List of enclosures

SP 15/16

Copied by

Examined by

REVENUE

No 9262—Ml 4 15 26, dated 20th June 1916

Under Section 18 of the Municipal Regulation, Mr Mustafa Beig, who was disabled from continuing as a Municipal Councillor of the Kolar Town Municipality under Section 15 (2) (a) of the said Regulation, has been duly re elected as a Municipal Councillor of the afore-said Municipality

By Order,
V R THYAGARAJA IYER,
*Secretary to Government,
Revenue Department*